

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

ALCIDES ROJAS,

Defendant.

SEALED

INDICTMENT

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/4/07

07 Cr.

07 CRIM 1088

COUNT ONE

The Grand Jury charges:

1. On or about April 9, 2007, in the Southern District of New York, ALCIDES ROJAS, the defendant, unlawfully, intentionally and knowingly did distribute and possess with intent to distribute a controlled substance, to wit, 50 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack."

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A); Title 18, United States Code, Section 2.)

COUNT TWO

The Grand Jury further charges:

2. On or about May 11, 2007, in the Southern District of New York, ALCIDES ROJAS, the defendant, unlawfully, intentionally and knowingly did distribute and possess with intent to distribute a controlled substance, to wit, 5 grams and

JUDGE KAPLAN

more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack."

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(B); Title 18, United States Code, Section 2.)

FORFEITURE ALLEGATION

3. As a result of committing the controlled substance offenses alleged in Counts One and Two of this Indictment, ALCIDES ROJAS, the defendant, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendant obtained directly or indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Counts One and Two of this Indictment.

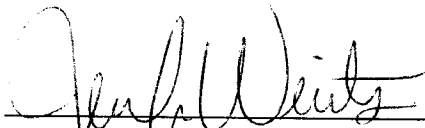
Substitute Asset Provision

4. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant --

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value;
or
- (5) has been commingled with other property which

cannot be subdivided without difficulty;
it is the intention of the United States, pursuant to 21 U.S.C. §
853(p), to seek forfeiture of any other property of the defendant
up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1), 846 and 853.)


FOREPERSON
MICHAEL J. GARCIA *DMR*
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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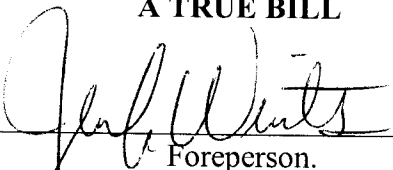
INDICTMENT

07 CR ____

(Title 21 Sections 812, 841(a)(1), 841(b)(1)(A) and
841(b)(1)(B))

Michael J. Garcia
United States Attorney.

A TRUE BILL


Foreperson.

Indictment filed.

F. Maas, USMS

Post 11/87

*FC
12/4/07*